PATENTS
ODS-20

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants	:	Christopher A. Lee
Application No.	:	09/727,248 Confirmation No. : 4353
Filed	:	November 29, 2000
For	:	INTERACTIVE WAGERING SYSTEM WITH AUTOMATIC RUNNER SELECTION
Group Art Unit	:	3714
Examiner	:	Tramar Yong Harper

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Hon. Commissioner for Patents   New York, New York
P.O. Box 1450   September 13, 2007
Alexandria, Virginia 22313-1450

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

Sir:

    The Director is hereby authorized to charge $2,090.00 to Deposit Account No. 06-1075 (Order No. 003043-0020), in payment of the Appeal Brief filing fee required under 37 C.F.R. § 41.20(b)(2) and the extension of time fee required under 37 C.F.R. § 1.17(a)(4).

    The Director is hereby authorized to charge any additional fees that may be due in connection with this Appeal Brief, or credit any overpayment of the same, to Deposit Account No. 06-1075 (Order No. 003043-0020). A duplicate copy of this Authorization is transmitted herewith.

Respectfully submitted,

Brian E. Mack
Registration No. 57,189
Agent for Appellants
Ropes & Gray LLP
Customer No. 1473
1211 Avenue of the Americas
New York, NY 10036-8704
Tel.: (212) 596-9000
Fax : (212) 596-9090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Appellant   :   Christopher A. Lee

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<u>APPEAL BRIEF UNDER 37 C.F.R. § 41.37</u>

Sir:

Appellant is filing this Appeal Brief in support of the March 13, 2007 Notice of Appeal from the rejection of claims 1-46 in the final Office Action dated November 13, 2006.

The Director is hereby authorized to charge $500.00 to Deposit Account No. 06-1075 (Order No. 003043-0020) in payment of the filing fee required under 37 C.F.R. § 41.20(b)(2). The Director is also hereby authorized to charge any additional fees that may be due in connection with this Appeal Brief, or credit any overpayment of the same, to Deposit Account No. 06-1075 (Order No. 003043-0020). A separate Authorization to Charge Deposit Account is enclosed for these purposes (in duplicate).

In view of the arguments and authorities set forth below, the Board should find the rejection of claims 1-46 to be in error, and the Board should reverse the rejection.

This Brief has the following appendices:

Claims Appendix

Appendix A: Copy of claims 1-46 involved in this appeal;

Evidence Appendices

Appendix B: Copy of the final Office Action dated November 13, 2006 (hereinafter "Office Action");

Appendix C: Copy of the Advisory Action Office dated March 2, 2007;

Appendix D: Copy of PCT Publication No. WO 2000/67215 (hereinafter "Stronach"); and

Appendix E: Copy of Tulley et al. U.S. Patent No. 6,688,976 (hereinafter "Tulley").

Related Proceedings Appendix

None.

(i)   Real Party in Interest

Appellant respectfully advises the Board that the real party in interest in the above-identified patent application is ODS Properties, Inc., a corporation organized and existing under the laws of the State of Delaware, and having an office and place of business at

6701 Center Drive West, Los Angeles, CA 90045, which is the assignee of this application.

(ii)   Related Appeals and Interferences

Appellant respectfully advises the Board that there are no other appeals or interferences known to appellants, their legal representative, or their assignee that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(iii) Status of Claims

Claims 1-46 are finally rejected in this application and are on appeal.

(iv)   Status of Amendments

Appellant has not submitted any amendment in reply to the November 13, 2006 Office Action, from which this appeal is being sought.

(v)   Summary of Claimed Subject Matter

Appellant's independent claims 1 and 24 are directed toward a method and system for placing interactive wagers on races using an interactive wagering application. *See, e.g.*, specification, page 2, lines 4-18. The user is provided with an opportunity to direct the interactive wagering application to automatically select which runner or runners are to be used in a wager for a race to be run. *See, e.g.*, specification, page 32, line 13 - page 33, line 16 and FIG. 5. The automatic runner selection is performed using a random-number generation application. *See, e.g.*, specification, page 39, lines 16-26 and FIG. 8.

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(vi)   Ground of Rejection to be Reviewed on Appeal

The following ground of rejection is to be reviewed on this appeal:

Whether appellant's claims 1-46 are unpatentable under 35 U.S.C. § 103(a) over Stronach in view of Tulley.

(vii) Argument

The Office Action contends that appellant's claims 1-46 are obvious in view of Stronach and Tulley. For the reasons set forth below, appellant respectfully disagrees.

Stronach refers to a multimedia system for wagering on race events. *See* Stronach, Abstract. A plurality of user terminals are provided for allowing users to input wagers. Stronach's user terminals include a button "for initiating reselection of the racing candidates." *See* Stronach, page 10, lines 21-29. The reselection of racing candidates is performed using a racing candidate selection algorithm. *Id.* The Examiner admits in the Office Action that Stronach fails to show or suggest the use of a "random number generation application" in the selection of racing candidates, as recited by applicant's independent claims 1 and 24. *See* Office Action, p. 3. To meet this deficiency, however, the Examiner cites Tulley. *Id.*

Tulley refers to a system for lottery ticket transactions where a lottery player selects multiple lottery numbers (e.g., six different numbers out of 49 possible numbers) to be used in a lottery ticket. *See* Tulley, Abstract and col. 4, lines 34-39. Tulley's invention is directed to associating a lottery number

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combination with a limited number of occurrences. *See* Tulley, title, abstract, and col. 1, lines 30-34. This assures a player that he will only be required to share the lottery prize with a limited number of other lottery ticket winners, thus increasing the incentive for lottery players to purchase lottery tickets. *See* Tulley, col. 1, lines 55-59. A player in Tulley may manually select the six lottery numbers using a lottery ticket slip, or the lottery system may automatically select the lottery numbers for the player using "a 'quick pick' random process." Tulley, col. 5, lines 1-9.

The Examiner provides two alleged motivations for one of ordinary skill in the art to incorporate Tulley's "quick pick" random lottery number selection process into Stronach's wagering terminals. First, the Examiner contends that Tulley expressly teaches that his random quick pick process may be used with parimutuel racetrack betting. *See* Office Action, page 3. Second, the Examiner provides a purported benefit of incorporating Tulley's random quick pick process into Stronach's wagering terminals. *See* Office Action, pages 3-4. For the following reasons, both of these alleged motivations are insufficient to maintain the 35 U.S.C. § 103(a) rejection.

A.   Tulley Does Not Disclose that His
       "Quick Pick" Feature May Be Used
       With Parimutuel Racetrack Wagering

The Office Action contends that Tulley expressly teaches that the random quick pick process may be used in parimutuel racetrack betting. *See* Office Action, page 3. Appellant respectfully disagrees and submits that the Office Action has mischaracterized the teachings of Tulley.

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As part of its motivation to combine Tulley with Stronach, the Office Action points to a statement in Tulley that mentions Tulley's invention "may also be used with . . . pari-mutuel racetrack betting" (Tulley, col. 21, ll. 41-46). However, Tulley's stated "invention" is associating a lottery number combination with a limited number of occurrences. *See* Tulley, title, abstract, and col. 1, ll. 30-34. Nowhere does Tulley state that his invention is a random quick pick process. Therefore, when Tulley states that his invention may be used with parimutuel racetrack betting, Tulley is referring to applying his limited occurrences feature to racetrack betting, not the random quick pick process. This is confirmed later in the same paragraph when Tulley elaborates as to how the invention can be applied to racetrack betting:

> For example, some types of racetrack bets require that a player select, in order, the top three horses that will win a race. According to an embodiment of the present invention, a player may also request that his or her selections be associated with a limited number of occurrences (e.g., that his or her selections be unique). Tulley, col. 21, lines 44-49.

Accordingly, contrary to the Office Action's contention, there is no teaching or suggestion in Tulley to use Tulley's random quick pick process with racetrack betting, and thus Tulley provides no teaching or suggestion to use this process with Stronach's wagering terminals. Moreover, as described further below, it would be counterintuitive for one skilled in the art to utilize a random process to pick a runner to be used in a wager for parimutuel racetrack betting.

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B.   One Skilled in the Art Would Have No
      Motivation to Combine Stronach and Tulley
      <u>In the Way Proffered By the Office Action</u>

The Office Action also provides a purported
motivation for incorporating Tulley's "Quick Pick" feature
into Stronach's wagering terminals. Namely, the Office
Action states that by modifying Stronach to include
Tulley's random quick pick process, "[s]uch a modification
would provide an alternative random means of automatically
selecting candidates for the player in the event that the
player is indecisive about what selections to make." *See*
Office Action, p. 3-4.

Although the Office Action submits that
incorporating Tulley's quick pick process into Stronach's
wagering terminal would be obvious to one of ordinary skill
in art, the Office Action has failed to point to any
motivation why one skilled in the art would provide an
"alternative" means of automatically selecting candidates
in Stronach when Stronach already includes a means for
automatically selecting candidates. For example, Stronach
already includes a button for "initiating reselection of
the racing candidates." *See* Stronach, page 10, lines 21-
24. After a user of Stronach's wagering terminal selects
the candidate reselection button, the wagering processor
accesses a "candidate selection algorithm[], with each
algorithm giving different weights to the various
handicapping data." *See* Stronach, page 10, lines 24-27.
Each time the candidate reselection button is pressed, a
different candidate selection algorithm is used. *Id.*

As such, Stronach's candidate reselection button
uses a number of <u>deterministic</u> reselection algorithms. As
the Office Action and Advisory Action (attached as Evidence

Appendix C) seem to admit, none of Stronach's deterministic algorithms use a random number generation application, as specified by appellant's independent claims 1 and 24. Since Stronach already includes a number of reselection algorithms (none of which are based on a random process), there would be no reason for one skilled in the art to add an additional algorithm based on a random number generation application. The deterministic algorithms already provided in Stronach's wagering terminals are perfectly suitable for selecting racing candidates as they are based on handicapping data of the candidates.

Appellant submits, therefore, that the Office Action's purported motivation of "provid[ing] an alternative random means of automatically selecting candidates" is a broad, conclusory statement without any factual support. Broad conclusory statements, standing alone, are not sufficient to support an obviousness rejection. *In re Freed*, 165 USPQ 570, 571-72 (CCPA 1970) (an obviousness rejection must be based on facts, "cold hard facts"); *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000) ("[b]road, conclusory statements standing alone are not 'evidence'"). The Examiner's motivation, therefore, is insufficient as a matter of law. *In re Dembiczak*, 50 U.S.P.Q.2d 1614 (Fed. Cir. 1999).

C.   One Skilled in the Art Would Not Find It
     Obvious To Combine Stronach and Tulley
     To Achieve Appellant's Claimed Invention

In addition to the foregoing, appellant's claimed automatic runner selection using a random number generation

application is both counterintuitive and nonobvious when applied to parimutuel racetrack betting.

In parimutuel wagering, numerous factors can affect the performance of the runners in a race and therefore the odds for the runners are typically all different. Wagerers often rely on racing information such as handicapping information to make an informed runner selection. Stronach, for example, describes providing racing information to wagerers including "handicapping information, such as the weather conditions, and the jockey name, race candidate age, win record, and number of days since last race event" (Stronach, page 6, lines 26-30). Stronach recognizes the importance of such information for selecting runners. Stronach's automatic runner selection algorithms, therefore, use different weighting of the handicapping data to automatically select racing candidates. Accordingly, Stronach's runner selection algorithms select runners based on known information that can be useful in to determining which runner is more likely to win.

In contrast, Tulley's "quick pick" random lottery number selection does not and cannot use any known information about lottery games to determine which numbers will be the winning numbers. Lottery games are random events. Each number has equal odds of being selected. Accordingly, one of ordinary skill in the art would not find it obvious to apply such a random selection process from a game that has equal odds to a race where each runner typically has different odds. It would be counterintuitive. Typically, there is one or more runners favored to win and one or more long shot runners that are unlikely to win. Using a random process to select runners,

unlike Stronach's automatic runner selection algorithms, does not take this into account selection.

One skilled in the art, therefore, would not be inclined to use a random process to select a runner in a race. As described in appellant's specification, however, automatically selecting a runner using a random number generation application may be useful for both novice and experienced users:

> Because the user does not need to decide which particular horses to wager on, this feature may be attractive for novice users who are not familiar with the various horses who are running in a race. The feature may also be attractive to more experienced wagerers who occasionally would like to make a random selection (either as a stand-alone wager or as part of a group of wagers). Specification, page 30, lines 12-19.

Accordingly, in view of the foregoing, appellant submits that independent claims 1 and 24 are allowable over Stronach and Tulley. There is no reason why one skilled in the art would incorporate Tulley's random quick pick process into Stronach's wagering terminals. Appellant further submits that dependent claims 2-23 and 25-46, which contain all the limitations of independent claims 1 and 24, respectively, are allowable for at least the same reasons. Appellant respectfully requests, therefore, that the rejection under 35 U.S.C. § 103(a) be withdrawn.

D.   Conclusion

For the reasons set forth above, appellants respectfully submit that claims 1-46 are in condition for allowance.

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The Examiner's rejections of these claims should
be reversed.

Respectfully submitted,

Brian E. Mack
Registration No. 57,189
Agent for Appellant
Ropes & Gray LLP
Customer No. 1473
1211 Avenue of the Americas
New York, NY 10036-8704
Tel.: (212) 596-9000
Fax : (212) 596-9090

CLAIMS APPENDIX A
<u>CLAIMS ON APPEAL</u>

1.   A method for placing interactive wagers on races that are to be run using an interactive wagering application that is implemented using user equipment, comprising:

providing a user at the user equipment with an opportunity to direct the interactive wagering application to automatically select, using a random-number generation application, which runner or runners are to be used in a wager for a race to be run; and

providing the user with an opportunity to use the interactive wagering application to place the wager.

2.   The method defined in claim 1 wherein the runners are horses.

3.   The method defined in claim 1 further comprising providing the user with an opportunity to use the interactive wagering application to select a racetrack for the wager.

4.   The method defined in claim 1 further comprising providing the user with an opportunity to use the interactive wagering application to select a race for the wager.

5.   The method defined in claim 1 further comprising providing the user with an opportunity to use the interactive wagering application to select a wager type for the wager.

6.   The method defined in claim 1 further comprising providing the user with an opportunity to use the interactive wagering application to select a wager amount for the wager.

7.   The method defined in claim 1 further comprising providing the user with an opportunity to use the interactive wagering application to manually select the runner or runners for the wager.

8.   The method defined in claim 1, wherein the runners are horses, the method further comprising displaying a screen on the user equipment that allows the

user to direct the interactive wagering application to automatically select the horse or horses.

9.   The method defined in claim 1, wherein the runners are horses, the method further comprising displaying a screen on the user equipment that includes an on-screen option that allows the user to direct the interactive wagering application to automatically select the horse or horses.

10.   The method defined in claim 1, wherein the runners are horses, the method further comprising displaying a screen on the user equipment that includes an on-screen option that allows the user to direct the interactive wagering application to automatically select the horse or horses, wherein the screen includes a graphic containing information on the automatically selected horse or horses.

11. The method defined in claim 1, wherein automatically selecting the horse or horses for the wager using—a random-number generation application comprises automatically selecting the horse or horses for the wager using a random-number generation application that is

implemented at computer equipment separate from the user equipment.

12. The method defined in claim 1, wherein the runners are horses, the method further comprising:

displaying a screen on the user equipment that includes an on-screen option that allows the user to direct the interactive wagering application to automatically select the horse or horses; and

automatically selecting the horse or horses for the wager using a random number generation application at computer equipment separate from the user equipment.

13. The method defined in claim 1, wherein the runners are horses, the method further comprising:

displaying a horse selection screen on the user equipment that includes an on-screen option that allows the user to direct the interactive wagering application to automatically select the horse or horses for the wager and that includes on-screen options that allow the user to manually select a horse or horses for the wager; and

automatically selecting the horse or horses for the wager using a random number generation application at computer equipment separate from the user equipment.

14. The method defined in claim 1 further comprising displaying a race ticket on a screen with the user equipment that reflects which runner or runners are automatically selected.

15. The method defined in claim 1 further comprising displaying information on post times for upcoming races on a screen with the user equipment.

16. The method defined in claim 1 further comprising processing the wager with equipment remote from the user equipment once the wager has been placed.

17. The method defined in claim 1, wherein the runners are horses, the method further comprising processing the wager once the wager has been placed.

18. The method defined in claim 1, wherein the runners are horses and wherein an account is maintained for the user at a transaction processing and subscription

management system, the method further comprising processing the wager once the wager has been placed and crediting the account when the wager is successful.

19.   The method defined in claim 1, wherein the user equipment is user television equipment.

20.   The method defined in claim 1, wherein the user equipment is user computer equipment.

21.   The method defined in claim 1, wherein the user equipment is user telephone equipment.

22.   The method defined in claim 1, wherein the user equipment is cellular telephone equipment with a display.

23.   The method defined in claim 1, wherein the user equipment is a handheld computer.

24.   An interactive wagering system in which an interactive wagering application is used to provide a user with an opportunity to place wagers on races that are to be run, comprising:

user equipment configured to:

provide the user with an opportunity to direct the interactive wagering application to automatically select, using a random-number generation application, at least one runner to be used in a wager for a race to be run;

provide the user with an opportunity to use the interactive wagering application to place the wager; and

a transaction processing and subscription management system that is in communication with the user equipment and that handles the wager once it has been placed.

25.   The system defined in claim 24 wherein the runners are horses.

26.   The system defined in claim 24 wherein the user equipment is further configured to provide the user with an opportunity to use the interactive wagering application to select a racetrack for the wager.

27.   The system defined in claim 24 wherein the user equipment is further configured to provide the user

with an opportunity to use the interactive wagering

application to select a race for the wager.

28. The system defined in claim 24 wherein the

user equipment is further configured to provide the user

with an opportunity to use the interactive wagering

application to select a wager type for the wager.

29. The system defined in claim 24 wherein the

user equipment is further configured to provide the user

with an opportunity to use the interactive wagering

application to select a wager amount for the wager.

30. The system defined in claim 24 wherein the

user equipment is further configured to provide the user

with an opportunity to use the interactive wagering

application to manually select the at least one runner for

the wager.

31. The system defined in claim 24, wherein the

runners are horses and wherein the user equipment is

further configured to display a screen on the user

equipment that allows the user to direct the interactive

wagering application to automatically select at least one horse for the wager.

32. The system defined in claim 24, wherein the runners are horses and wherein the user equipment is further configured to display a screen on the user equipment that includes an on-screen option that allows the user to direct the interactive wagering application to automatically select at least one horse for the wager.

33. The system defined in claim 24, wherein the runners are horses and wherein the user equipment is further configured to display a screen on the user equipment that includes an on-screen option that allows the user to direct the interactive wagering application to automatically select at least one horse for the wager, wherein the screen includes a graphic containing information on the automatically selected at least one horse.

34. The system defined in claim 24, wherein the runners are horses, wherein the system comprises computer equipment separate from the user equipment, and wherein the computer equipment is configured to automatically select at

least one horse for the wager using a random-number generation application.

35.   The system defined in claim 24, wherein the runners are horses and wherein the user equipment is further configured to display a screen that includes an on-screen option that allows the user to direct the interactive wagering application to automatically select at least one horse for the wager, the system further comprising computer equipment separate from the user equipment, wherein the computer equipment is configured to automatically select at least one horse for the wager using the random-number generation application.

36.   The system defined in claim 24, wherein the runners are horses and wherein the user equipment is configured to display a horse selection screen that includes an on-screen option that allows the user to direct the interactive wagering application to automatically select at least one horse for the wager and that includes on-screen options that allow the user to manually select at least one horse for the wager, the system further comprising computer equipment separate from the user equipment, wherein the interactive wagering application

automatically selects at least one horse for the wager using a random number generation application at the computer equipment.

37.   The system defined in claim 24 wherein the user equipment is further configured to display a race ticket on a screen that reflects which runner or runners are automatically selected.

38.   The system defined in claim 24 wherein the user equipment is further configured to display information on post times for upcoming races on a screen.

39.   The system defined in claim 24 wherein the transaction processing and subscription management system passes the wager to a totalisator once the wager has been placed.

40.   The system defined in claim 24, wherein the runners are horses and wherein the transaction processing and subscription management system passes the wager to a totalisator once the wager has been placed.

41. The system defined in claim 24, wherein the runners are horses, wherein the transaction processing and subscription management system maintains an account for the user, and wherein the transaction processing and subscription management system credits the account when the wager is successful.

42. The system defined in claim 24, wherein the user equipment is user television equipment.

43. The system defined in claim 24, wherein the user equipment is user computer equipment.

44. The system defined in claim 24, wherein the user equipment is user telephone equipment.

45. The system defined in claim 24, wherein the user equipment is cellular telephone equipment with a display.

46. The system defined in claim 24, wherein the user equipment is a handheld computer.

(ix) Evidence Appendices

EVIDENCE APPENDIX B
COPY OF THE FINAL OFFICE ACTION DATED NOVEMBER 13, 2006

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,248	11/29/2000	Christopher A. Lee	ODS-20	4353

1473	7590	11/13/2006	

FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1251 AVENUE OF THE AMERICAS FL C3
NEW YORK, NY 10020-1105

EXAMINER
HARPER, TRAMAR YONG

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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ROPES & GRAY LLP PATENT DEPT.
REFERRED TO ___
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File No.: ODS/020
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Due Date: _Feb. 13, 2007_
By ___

File No.: ODS/020
Action Desc: _Notice of Appeal Due_
Due Date: _May 13, 2007_
By ___

PTO-90C (Rev. 10/03)

DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of amendment on 07/05/06. The arguments set forth in the response are addressed herein below. Claims 1-46 remain pending & Claims 1, 11, 24, & 35 have been amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stronach (WO 00/67215) in view of Tulley et al (US 6,688,976). Stronach discloses that upon actuation of the quick pick button the wagering terminal automatically selects racing candidates based on various algorithms (Pg. 10:21-29). Each time the quick pick button is actuated the wagering terminal is select a different set or arrangement of racing candidates based on different algorithms within the processor program. The player can continue to press the button until if the candidates selected are unacceptable (Pg. 15:10-15). This is interpreted as a random means of automatically selecting candidates. Random number generators are well known in the art as a means of automatically selecting a random outcome or event. Such generators randomly select numbers based on some type of algorithm. Stronach discloses the use of a network and the Internet and that communication may be wired or wireless. Stronach discloses

various types of racing information that can be displayed to the player and that the

communications network may be wired or wireless systems using a telecommunications

or cable network, which means phone or cable (Pg. 6-7). Stronach further discloses a

betting card and an account manager in detail viewing race events at more than one

track and future race events (Pgs. 8-15). A detailed reading of Stronach by an artisan

of ordinary skill would teach all of the claimed invention, except explicitly a random

number generator means for automatically selecting candidates or racers located

remotely from the wagering terminal or at a host location. Tulley et al. discloses a

lottery system that comprises of a controller (host system) networked to remote

terminals or player devices (Col. 11:20-30 & 52-60). If requested from the player via the

player device, the controller implements a "quick pick" application that randomly

generates lottery numbers for the player (Col. 5:1-9; Col. 16:57-67). If the initial

randomly selected numbers are deemed unacceptable (the combination repeats

elsewhere) the controller can regenerate a new selection set (). Tulley discloses that

such a system can be used for pari-mutuel horse racetrack betting where the player has

to select in order the top three horses that will win a race (Col. 21:42-53). Tulley

discloses that additionally the player can request that his/her selections be associated

with a limited number of occurrences e.g. the randomly generated combination only

occurs a certain amount of times. It would have been obvious to one of ordinary skill at

the time of the invention to modify the wagering system of Stronach with the random

"quick pick" random generated application at the host system of Tulley et al. Such a

modification would provide an alternative random means of automatically selecting

candidates for the player in the event that the player is indecisive about what selections to make.

Response to Arguments

Applicant's arguments with respect to Claims 1-46 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tramar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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Status information for unpublished applications is available through Private PAIR only.

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TH   11/3/06

JOHN M. HOTALING, II
PRIMARY EXAMINER

		Application/Control No.	Applicant(s)/Patent Under Reexamination
Notice of References Cited		09/727,248	LEE, CHRISTOPHER A.
		Examiner	Art Unit	
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	M	US-			

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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
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